IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2345 OF 2005

Prabhakar Punju Patil ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Vikas Shivarkar, for the Applicant.

Mr.A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

15th April 2005

P.C.:

. Learned A.P.P. points out that first intimation was given to Mahatma Phule Police Station where the offence was originally registered. However, the investigation has been transferred to Kalyan Taluka Police Station. Now, the officer from Kalyan Taluka Police Station has come to give instructions. In the circumstances, as the explanation is plausible

one, no further directions are necessary. Matter to proceed on merits.

. Heard Counsel for the parties. Perused the record. Indeed, the offence in question is a serious offence. Besides, the prosecution is relying on dying declaration of the deceased to indicate the complicity of the Applicant. However, what is intriguing is that there is endorsement on the F.I.R. by the doctor, who was attending the deceased to the effect that the deceased had disclosed to him that she received burn injuries due to accident. In other words, it was not homicidal death. There is no explanation forthcoming from the material collected by the investigating agency. Learned A.P.P. fairly accepts that no investigation has been made in the context of the noting of the doctor on the F.I.R. Suffice it to observe prima facie that the other possibility as contended by the Applicant has not been properly investigated. Even for the purpose of bail, this circumstance would be relevant. Besides, investigation is complete and charge sheet has also been filed and there are no antecedents against the Applicant.

Accordingly, this application succeeds on the following conditions.

(A) The Applicant is directed to be released on bail in connection with CR.No.I-06/2004 registered with Kalyan Taluka Police Station, Titwala, on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with two local sureties in the like amount.

(B) The Applicant shall not influence prosecution witnesses nor shall tamper with the prosecution evidence in any maner whatsoever.

(C) The Applicant shall report to the concerned Police Station once in a month on Saturday of every English calendar month between 10 a.m. to 1 p.m. This condition is necessary as most of the prosecution witnesses are residents of the same area.

(D) The Applicant shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicant is in any way responsible for delay in disposal of the trial, that opinion be recorded in the roznama, which can be a ground for cancellation of bail.

(A.M.KHANWILKAR,J.)